

Remarks/Arguments

Pending claims 21 and 22 have been rejected under 35 USC § 102(a) as being anticipated by U.S. Patent 4468828 (Nadolny).

The Applicant disagrees with the Examiner, and submits that the rejection is improper, as explained below.

The '828 reference fails to disclose or suggest the following limitations present in claim 21.

First, the '828 patent does not disclose or suggest a "driven shaft housing" that is "selectively attachable to and detachable from said motor housing" as recited in claim 21. Instead, the housing of the driven shaft (44) of '828 is characterized as "an elongated body which is molded about the shaft bearing and seals and which is clampingly held at one end by a pair of housing halves which also encase the motor and control switches." (Column 1, lines 42-46). At column 2, lines 17-19, it is stated that "[t]he two halves of the housing may be suitably bonded or interlocked along their mating edges 40, 42 to form a water-impervious structure." Clearly, the elongated body, which is "a plastic tubular shank portion 4" (Column 1), is permanently assembled by clamping the two housing halves around it and, thus, cannot be characterized as "selectively attachable to and detachable from said motor housing" within the meaning of the claims. The term "suitably bonded or interlocked" as recited by the '828 patent reinforces the concept that this is a permanent construction not intended to be selectively assembled and disassembled like the presently claimed invention. In fact, to do so with the machine described in the '828 patent would not only require tools and destruction of the machine, but it would subject a user to electrocution.

Next, the '828 patent does not disclose or suggest a "driven shaft" that is "selectively engageable with said first shaft coupling" as recited in claim 21. Instead, the driven shaft 44 of the '828 patent is permanently coupled to the motor since, for reasons explained above, the housing 4 it resides in is permanently attached to the motor housing (29). There is simply no teaching or suggestion to make this coupling selectively engageable.

The '828 patent does not disclose a "food blending tool" as recited in claim 21. The Examiner's position that the cleaning brushes and sponges disclosed by the '828 patent can be characterized as "food blending" tools is not supported. The Examiner states that the "tool 60 with bristles...may fully function as a food blending tool if so operated with food." The tool 60 of the '828 patent is described in the '828 patent as a "soft-textured sponge-like elastomeric material." Column 2 states "It will be seen that the implement [60] is formed of rather unstable sponge-like material to be highly absorbent of fluid soaps and other cleaning solutions and surface impregnated with light abrasives such as are used for cleaning lavatories etc." These characterizations of tool 60 in the '828 patent would not lead anyone, including those of ordinary skill in the art, to use the tool 60 to blend food. Furthermore, the term "blending" as used in the present application is a term of art that those of skill in the art understand requires at least mixing, if not cutting, of food substances. The tool 60 of the '828 patent is too soft to achieve blending and, undoubtedly, would not be considered suitable for blending food.

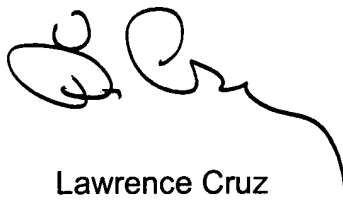
With respect to claim 22, the Examiner states that the '828 patent "has an elongated handle 2 and knob at the end of the handle (unnumbered, best seen in figures fig 1, fig 2, or fig 3 at the top of the handle) which may be grasped in any manner with any number of hands. This characterization made by the Examiner is incorrect, in that the '828 patent discloses a single handle 2. There is no knob as the Examiner states. There is a single, linear handle. What the Examiner points to as a "knob" is a very small raised ridge that is common on all sorts of

handle surfaces, to enhance grip. It is far too small to be separately grasped and regarded as a second handle. While a person could place two hands on any single handle, the present claim 22 clearly recites two elements as two distinct handles: an elongated handle grasped by a first hand ; and a stabilizing handle grasped by a second hand. Claim 22 requires two separate handles that are grasped by two hands. The '828 patent shows a single handle that the Examiner asserts can be grasped by two hands. Even if that assertion is true, the end contour that the Examiner calls a "knob" is not a separate handle as required by claim 22. The feature simply is neither shown nor suggested.

As stated above, various claim elements from claims 21 and 22 are not shown or suggested, and cannot be deemed obvious, from the '828 patent or any references of record.

It is believed that claims 21-22 are in condition for allowance. Favorable action is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lawrence Cruz', with a long, sweeping horizontal line extending to the right.

Lawrence Cruz
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